

**Minutes of the
City Commission for the City of Traverse City**



Regular Meeting

January 5, 2015

A regular meeting of the City Commission of the City of Traverse City was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7 p.m.

The following Commissioners were present, constituting a quorum: Mayor Pro Tem Barbara D. Budros, James Carruthers, Jeanine Easterday, Gary Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: Mayor Michael Estes.

The Pledge of Allegiance was recited.

Mayor Pro Tem Barbara D. Budros presided at the meeting.

2. Consent Calendar

Moved by Carruthers, seconded by Richardson, that the following actions as recommended on the Consent Calendar portion of the Agenda be approved:

- a. the minutes of the December 15, 2014, Regular Meeting, be approved.
- b. the City Commission approves the purchasing process for fuel as described in the Director of Public Services December 22, 2014, communication through December 31, 2015.
- c. the City Manager be authorized to issue a confirming purchase/service order in the amount of \$15,487.50 to Brenner Oil Co. for 10,000 gallons of unleaded gasoline priced at \$1.54875 per gallon with funds available in the Garage Fund.
- d. the competitive bidding policy be waived; and that the Mayor and City Clerk execute a unit prices change order to the contract with Eckler Building

Solutions in the amount of \$34,535, more or less, (originally authorized October 6, 2014), for the 2014 Opera House Dressing Room Project for the replacement of the City Opera House roof system, such change order subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the Opera House Fund.

- e. that the Mayor and City Clerk execute a consultant agreement with Leading Edge Surveying, LLC, in the amount of \$38,950 for professional services to complete an inventory of the City's storm sewer structure and a benchmark survey, in connection with the Stormwater and Wastewater Grant (SAW Grant), with \$30,000 to be reimbursed by the SAW Grant and the remaining \$8,950 available in the Public Improvement Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.
- f. the competitive bidding process be waived; and that the Mayor and City Clerk execute a contract with the Watershed Center Grand Traverse Bay in the amount of \$23,500 for services associated with updating the Boardman Lake Watershed Study and Watershed Protection Plan, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney, with the cost of the contract to be covered by the SAW Grant.
- g. the competitive bidding policy be waived; and that the Mayor and City Clerk execute a change order to the contract with Prein & Newhof (originally authorized July 7, 2014), in the amount of \$10,360 for the 2014 Water Treatment Plant SCADA Improvement Project, to include nine additional items in the scope of design services, such change order subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the Water Fund.
- h. that a 2001 John Deere 445 be declared surplus; and that the City Manager be authorized to issue a purchase order to Ginop Sales in the amount of \$27,999 for a 2014 Kubota and related equipment as outlined in the December 29, 2014, communication from the Director of Public Services, with funds available in the Garage Fund.
- i. an amendment to the Traverse City Code of Ordinances, *Parking Meter Ordinance Clarifications*, Sections 484.02, 484.03 and 484.04, which updates the ordinance to reflect the centralized pay stations as well as new

payment options, as recommended by the Downtown Development Authority Board of Trustees, which was introduced on December 15, 2014, be enacted with an effective date of January 15, 2015.

CARRIED unanimously. (Estes absent)

Items removed from the Consent Calendar

None.

3. Old Business

3(a).

Consideration of introducing an amendment to the Traverse City Code of Ordinances, *Public Art*, Chapter 299, as recommended by the Downtown Development Authority Board of Trustees.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Werner, seconded by Howe, that an amendment to the Traverse City Code of Ordinances, *Public Art*, Chapter 299, which would establish an Arts Commission and certain guidelines for placement of public art in Traverse City as recommended by the Downtown Development Authority Board of Trustees, be introduced and scheduled for possible enactment on January 20, 2015.

Lauren Tribble-Laucht, City Attorney

Robert Bacigalupi, Downtown Development Authority Executive Director

By consensus of Commissioner Werner and Commissioner Howe, the motion was withdrawn.

Brian Haas, 227 East 10th Street – expressed support

Mary Gillett, 1800 Wayne Street – expressed support

There being no objection, Mayor Pro Tem Budros referred Agenda Item 3(a) to a future meeting.

4. New Business**4(a).**

Consideration of authorizing a Funds Administration Agreement and Settlement Agreement in connection with litigation associated with the Brown Bridge Dam Deconstruction Project.

The following addressed the Commission:

Lauren Tribble-Laucht, City Attorney

Moved by Richardson, seconded by Easterday that the City Commission enter into closed session to discuss an Attorney-Client Privileged communication from the City Attorney in connection with Brown Bridge Dam litigation (Case No. 14-30150-CZ Consolidated) , as authorized by MCL 15.268(e) and (h).

Roll Call:

Yes – Carruthers, Easterday, Howe, Richardson, Werner, Budros

No – None.

CARRIED unanimously. (Estes absent)

4 (b).

Presentation by the City Clerk of the Performance 2014 document which overviews a variety of accomplishments by the City of Traverse City.

The following addressed the Commission:

Benjamin C. Marentette, City Clerk

5. Appointments**5(a).**

None.

6. Reports and Communications

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the Deputy City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 1. Reports from members of the Commission serving on boards._
 2. Minutes of the Traverse Area District Library Board meeting of November 20, 2014.
 3. Minutes of the Human Rights Commission meetings of October 13, 2014 and November 10, 2014.
 4. Minutes of the ACT 345 Retirement System Board meeting of October 29, 2014.
- e. Reports and correspondence from non-City officials.
 1. Monthly operations report for the wastewater treatment plant from CH2M Hill for November, 2014.

7. Public Comment

The following addressed the Commission:

1. Reserved.

None
2. General.

Christine Maxbauer, 503 West 8th Street

3. Mayor and City Commissioners.

Commissioner Gary Howe
Commissioner Jeanine Easterday
Commissioner James Carruthers

The Commissioner entered into closed session at 7:59 p.m.

The Commission returned to open session at 8:15 p.m.

Moved by Easterday, seconded by Howe, that the Mayor and City Clerk execute a funds administration agreement in substantially the same form provided with the City Attorney's attorney-client privileged communication for administration of funds associated with the settlement of Brown Bridge Dam litigation (Brown Bridge Dam Deconstruction Project) against the City, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney; and further that the Mayor and City Clerk execute a release of cross claim against AMEC in connection with Brown Bridge Dam litigation (Brown Bridge Dam Deconstruction Project), as provided with the City Attorney's attorney-client privileged communication, such release subject to approval as to its substance by the City Manager and its form by the City Attorney.

CARRIED unanimously. (Estes absent)

There being no objection, Mayor Pro Tem Barbara D. Budros declared the meeting adjourned at 8:16 p.m.

Katelyn Stroven
Deputy City Clerk

Approved: _____, _____
(Date) (Initials)